



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
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COMMISSIONER MARY T. BOYLE

Commissioner Mary T. Boyle Statement on Mandatory Safety Standards for Clothing Storage Units

April 19, 2023

In October 2022, the Commission voted to issue mandatory safety standards for clothing storage units. This important rule, incorporating strong protections for children and for consumers more broadly, was the product of tremendous work by dedicated and talented CPSC staff. I'm incredibly proud of that work and of the unwavering advocacy for safety that our team of professionals, led by Dr. Kristen Talcott, brings to this longstanding problem. Their efforts have laid essential groundwork for progress, as the Commission navigates the complicated legal landscape we now confront.

After the CPSC rule was finalized but before its effective date, Congress enacted a law: the *Stop Tip-overs of Unstable, Risky Dressers on Youth* ("STURDY") Act. That law does not align with the rule the Commission adopted. Instead, Congress chose to give CPSC a new set of directions governing both substantive requirements for protecting children from the hazards of furniture tip-overs and the process for developing a tip-over safety standard.

The new set of directions from Congress is not what I anticipated when I voted to adopt the Commission's rule. Nevertheless, we must now pivot from our expectations to implement the statutory mandate. To facilitate the process STURDY requires, our staff, including our legal experts, have spelled out the ways in which the Commission could reasonably conclude that the performance requirements in ASTM F2057-23 protect children from tip-over related death or injury. Their assessment differs from the analysis that supported the CPSC rule because it follows the process and the criteria mandated by Congress in STURDY.

As I considered the question now before the Commission, I balanced many factors that a policymaker must take into account, including staff's assessment. Based on these factors, and recognizing fully that people of good will could decide otherwise, I have concluded that it is reasonable to determine that ASTM F2057-23 meets the requirements of STURDY. Accordingly, I have voted to promulgate a consumer product safety standard incorporating those requirements.

Let me repeat: we would not be here today without the incredible staff work that spurred improvements to the ASTM standard, which, for example, now incorporates real-world

scenarios, such as tests to simulate use with carpet and open drawers—requirements absent from previous versions of the industry standard. That is progress, and what we are doing today will make a meaningful difference for safety. We will now be protecting children who were not before protected.

Making a difference today does not stop us from making a difference tomorrow. Protecting consumers—especially children—does not end here. Indeed, the rule simply sets the baseline for what happens next. That means ensuring that the agency pursues vigorous enforcement using all the tools at our disposal, including robust e-commerce surveillance, heightened activity at the ports, and stepped-up compliance inspections. Firms that fail to comply with this mandatory standard should bear the full weight of the law, including penalties and any other available sanctions.

Many parents who suffered the unthinkable support this action today and have, to some degree, placed their trust in industry. It is up to industry to live up to that trust. To industry stakeholders, I say: Don't delay production. Don't wait for the effective date. Don't parse words to avoid responsibility. Don't do the bare minimum. Bring your products into compliance now, and continue to innovate and improve safety. The excellent staff work in support of CPSC's rule provides a roadmap to go beyond the standard we are adopting today, and I, for one, will be very disappointed if the furniture industry and other stakeholders fail to give serious consideration going forward to staff's scrupulous analysis of the potential hazards for consumers and especially for children. We will be watching, and I urge those in the consumer advocate community to be watching too.

Finally, the five-year waiting period STURDY imposes on additional mandatory rulemaking should not be taken as a green light to maintain the status quo. We cannot experiment with the lives of children and wait to see what happens. We must—the agency, industry, and consumer advocates—be vigilant. We cannot let down our guard. We owe it to our children to do nothing less. The stakes could not be higher.